

DRAFT

Pending Completion of Public Comment & Review

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: March, 2011

Agenda Item: Modification of muzzleloader/shotgun ammunition regulations for Weapons Restriction Areas

Division: Enforcement

Action Needed:

☐ Approval of Proposed (Tentative) Rule ☒ Approval of Final Rule/Action

☐ Endorse Course of Action

☐ None - information only

Time Needed on Agenda for this Presentation: 20 minutes

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Background (Brief description of the issue, decision to be made, history, etc.): Weapons Restriction Areas (WRA) were established to allow for the harvest of animals in areas where residences, adjacent populations and development preclude the use of “high-powered” firearms. Weapons are currently limited to shotgun, muzzleloader, traditional handgun and archery as harvest means. However, the technology that has developed in the area of ammunition for both shotguns and muzzleloaders has increased both the range and velocity of these firearms. These increases can bring muzzleloaders and shotguns to near high power rifle capabilities, extending the effective range well out beyond 100 yards. The use of this ammunition effectively defeats the purpose of limitations on weapons in these areas and creates potential public safety issues. The enhanced ammunition is readily available at sporting goods stores throughout the state and many hunters have inquired about the legality of their use. Because of the growing number of WRA’s and often, their relative size (such as the Gallatin and Helena Valleys) this is becoming an issue that requires attention. To adopt new rules would make the regulations current with the technology that is available (they have not been modified since the early 1990’s) and provide clear direction for hunters hunting in WRA’s.

Public Involvement Process & Results (Brief description of the type of public involvement and summary of what we heard from the public): A group consisting of wardens, a legislator (who had concerns about regulation ambiguity,) a local muzzle-loading firearms enthusiast and a professional gunsmith (with extensive experience in muzzle-loading firearms and ammunition characteristics) met to discuss the various new types of ammunition available for shotguns and muzzleloaders and develop appropriate, clear language that could be adopted so as to maintain the safety margin of hunting in WRA’s. This group developed draft wording for the Big Game Regulations and passes it to the Commission for consideration, public review and adoption.

At its’ January 2011, meeting, the FWP Commission tentatively adopted a rule clarifying ammunition limitations on WRA’s. For a number of reasons, the posting and announcement of the proposal did not occur until January 28. The comment period was therefore extended to close on February 22 to adequately accommodate public review and comment.

_____ comments were received on the proposal. Of those _____ concurred with the proposal; _____ agreed in concept with the proposal but offered technical modifications for types of ammunition; _____ comments disagreed with the proposal; _____ disagreed with limited the use of sabots in shotguns in WRA’s. _____ comments did not address the issue directly.

Alternatives and Analysis (Brief description of alternative solutions with analysis of the pros and cons of each):

- Leave regulations as is. This would allow for the enhanced ammunition and pose potential public safety risks at WRA's. It would not recognize the change in technology that has occurred with muzzle-loading firearms and shotguns used for big game hunting. Wardens would be confronted with ambiguity on what to tell the public in terms of allowable ammunition.
- Adopt new rules that would allow for big game hunting in developed areas but at the same time, minimize the possibility of properly handled firearms presenting risks to the public and property in the area.

Agency Recommendation & Rationale (Brief description of our recommendation to the Commission and the reasons for it): The agency believes that the modifications as listed below would serve to maintain the use of shotguns and muzzle-loading firearms on WRA's while at the same fulfill the intent of the restrictions on the type of weapon that could be used to hunt in WRA. We anticipate that with increasing development and growth, particularly around larger towns and cities in Montana, WRA's are likely to be established more and more. To keep the regulations current with the technology would be an important for WRA's.

Recommendation and Rationale to be established following the close of comment period and review of public comments.

Proposed Motion (Draft language the Commission could use to adopt the agency recommendation): ***To be drafted at the close of the comment period and review.***